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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,193	12/13/2000	Germano Caronni	P-5600	6182
24209 7590 08/20/2008 GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940				
EXAMINER				
LAM, DUNG LE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/737,193

Applicant(s)

CARONNI ET AL.

Examiner

DUNG LAM

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1 and 3-48 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3-48 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) **1, 4, 6-9,11-14, 17-18, 20, 22-25 and 27-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Syed et al.** (US Patent No. 6038451) in view of **Stewart et al.** (US Pat. No. 6259405).
3. Regarding **claims 1**, **Syed** teaches a method for device location sensitive data routing comprising:
- detecting a signal at a location wherein said signal, electronic device wherein said signal contains a user identifier wherein said user identifier identifies a user (C4 L65- C55 L10, C6 L1-10);
 - transmitting via a phone system to a routing device said user identifier and a list of one communication device at said location (return one of the registered wireline number, C4 L38 – 5, C5 L11-28, C5 L48-65); and
 - rerouting one or more electronic communications to said communication device wherein said electronic communications are intended for said user (C5 L25 – L28).

However, **Syed** does not teach said (location) signal is from the mobile. However, it is known in the art that a (location) signal containing a user identifier can be obtained from either the network or the mobile terminal itself. In an analogous art, **Stewart** teaches the transmission of detected location signal emanating from the mobile terminal (and consequently the signal is detected) containing the user identification (C2 L50 – C3 L3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Syed's teaching of call forwarding based on present location and Stewart's detecting the device's location signal and ID system which speeds up the call-forwarding routing time because it's no longer necessary to go through multiple steps to retrieve the present location from multiple network components.

4. Regarding claim 17 and 19, it is an apparatus claim corresponding to claim 1. Therefore, it is rejected for the same reasons as claim 1.
5. Regarding claims 4 and 20, Syed and Stewart disclose the method of claims 1 and 17, respectively, wherein said portable, electronic device is a cellular phone (Syed, Wireless unit 11).
6. Regarding claims 6 and 22, Syed and Stewart disclose the method of claims 1 and 17, respectively, wherein said signal is a radio signal (Stewart, col. 2, line 50 to col. 3, line 3).

7. Regarding claims 7 and 23, Syed and Stewart disclose the method of claims 1 and 23, respectively, wherein said signal is an infrared signal (col. 2, line 50 to col. 3, line 3).

8. Regarding claims 8 and 24, Syed and Stewart disclose the method of claim 1 wherein said signal emanates via a connection line (i.e., reads on service control module) wherein said connection line couples said portable, electronic device (mobile) and a sensor Stewart, col. 2, line 50 to col. 3, line 3)

9. Regarding claims 9 and 25, the method of claims 1 and 17, respectively, wherein said electronic communications are phone calls (col. 2, line 50 to col. 3, line 3) .

10. Regarding claims 11 and 27, Syed and Stewart disclose the method of claims 1 and 17, respectively, further comprising: coupling a cellular phone to a non-wireless phone line, (Syed, Abstract, C4-5).

11. Regarding claims 12 and 28, Syed and Stewart disclose the method of claims 1 and 17, respectively, further comprising: configuring said routing device to perform an action (route call), if a condition is met (Syed, Abstract, C4-5).

12. Regarding claims 13 and 29, Syed and Stewart disclose the method of claim 12 wherein said condition is when said user first appears at said location (Syed, Abstract, C4-5).

13. Regarding claims 14 and 30, Syed and Stewart disclose the method of claim 12 wherein said condition is said user leaves said location (Syed, Abstract, C4-5).

14. Claims 3, 5, 10, 15-6, 19, 21, 26, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syed and Stewart further in view of Waites, (U.S. Patent No. 6,788,769).

15. Regarding claims 3 and 19, Syed and Stewart disclose the method as claims 1 and 17 above, but fail to show wherein said step of transmitting comprises: transmitting via email messages. It is also well-known in the art for data to be transmitted via a variety of means such as SMS, MMS or email. In a similar field of endeavor, Waites discloses a mobile transmitting information via e-mail (Col. 7, lines 10-65). Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to modify Syed and Stewart's routing teaching to also include Waite's teaching of transmitting data via email which makes it possible to retrieve the sent data at a later time.

16. Regarding claims 5, 10, 15-16, 21, 26, 31 and 32, Syed and Stewart disclose the method just as claims 1 and 17, above, but fail to show wherein said step of transmitting comprises: the portable is a PDA or updating a web page. In a similar field of endeavor, Waites discloses said portable, electronic device is a PDA (Waites, col. 11, lines 12-24); wherein said action is updating a web page (Waites, col. 13, lines 17-46); and wherein said action is sending an email (Waites, col. 11, lines 12-24). Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to modify Stewart's method and apparatus of routing calls to include a PDA and web page updating capabilities thereby to providing the user the flexibility and convenience of transmitting data to other users or access data via the Internet as taught by Waites.

17. Claims 33, 36, 38-41, 43, 45 and 46 are rejected under 35 U.S.C. 103 (Stewart, a) as being unpatentable over Stewart, in view of Harter et al., "A Distributed Location System for the Active Office"

18. Regarding claims 33, 36, 38, 39, 40, 41, 43, 45 and 46, Syed and Stewart disclose the limitations just as in corresponding method and apparatus claims 1,2,4,6-9,11-14,17,18,20,22-25 and 27-30, applied above, except for specifically teaching, a computer program product comprising computer usable medium having computer readable program code embodied therein and configured to route data. In a similar field of endeavor, Harter et al., discloses a distributed location system wherein fixed and wireless receivers are combined in a manner similar to Stewart but within an "active

office". Further, Harter et al., clearly teaches that location technology involves distributed software (Stewart, i.e., reads on computer usable medium and computer readable program) throughout the local area. At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Stewart to include distributed software for the purpose of providing control to the service node and service control module, to implement the routing of calls using intelligent technology.

19. Claims 35, 37, 42, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syed, Stewart, Harter et al., and further in view of Waites.

20. Regarding claims 35, 37, 42, 47 and 48, Syed, Stewart, Harter et al., discloses the method of claim 33, except for said portable, electronic device is a PDA and said action is updating a web page. In a similar field of endeavor, Waites discloses a mobile transmitting an transmission via e-mail (Waites, col. 7, lines 10-65); wherein said portable, electronic device is a PDA (Waites, col. 11, lines 12-24); wherein said action is updating a web page (Waites, col. 13, lines 17-46). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Stewart as modified by Harter et al., a method and an apparatus of routing calls to include a PDA, email and web page updating capabilities for the purpose of allowing the user to transmit data to other users or access data on the Internet as taught by Waites.

Response to Arguments

Applicant's arguments filed 4/29/08 have been fully considered but they are not persuasive.

Applicants argues that,

"the cited references of Syed et al. and Stewart et al. either *alone* or in combination do not disclose, teach or otherwise suggest that a portable electronic device transmit "a list of **one or more communications devices**," as is provided for in Independent Claims 1 and 17 (and any other remaining Independent Claims 3, 19, 33 or 35)".

The examiner respectfully disagrees. Syed clearly teaches that based on the current location, one of the registered wireline numbers is transmitted back to the MSC so that the MSC can route the call to the proper destination based on the registered number and the current location (for further clarification see C5 L10-27).

Applicant further support his arguments with the following reasoning,

"Syed et al. expressly requires that the list of communications devices be **preregistered** with the routing device in order to determine where to reroute communications rather than receiving "a list of one or more communications devices," from the portable electronic device as is provided for in Independent Claims 1 and 17. For example, Syed expressly states".

The examiner notes there is no requirement in the claim that specifies whether the list of communication should be preregistered or not, nor is there any specific requirement of the timing of when the list is being transmitted.

Applicant further argues that,

"since both Stewart et al. and Syed et al. require prior knowledge of the communications devices available at a location (Syed) and also requires determination of the physical location of the

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portable electronic device (Stewart), these two references expressly teach away from the portable electronic device providing to the routing device the list of one or more communications devices available at a given location".

The examiner respectfully disagrees. Syed's invention requires a current location signal containing the ID to be first determined and detected. Then, based on these two pieces of information are used to retrieve from a database that contains a preregistered contact information associated with a geographic location. Syed's teaching does not explicitly teach that the signal is emanated from a mobile. And that's where Stewart was cited to teach that the signal is emanated from Syed. Thus, Syed's teaching does complement Stewart's teaching and does not teach away. In view of the above reasoning's, the rejection is maintained.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUNG LAM whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 5:30 pm, Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617